

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division**

**BOARD OF TRUSTEES SHEET METAL  
WORKERS' NATIONAL PENSION FUND,  
*et al.*,**

**Plaintiffs,**

**v.**

**NEW YORK CHUTES, LLC**

**Defendant.**

**Case No. 1:22-cv-1294-PTG-WEF**

**NOTICE OF VOLUNTARY DISMISSAL WITHOUT PREJUDICE**

Pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure and given that Defendant New York Chutes, LLC has served neither an answer nor a motion for summary judgment, Plaintiffs Board of Trustees of the Sheet Metal Workers' National Pension Fund, *et al.* hereby dismiss the claims made in the above-captioned action against Defendant without prejudice.

WHEREFORE, Plaintiffs respectfully request that the Clerk of the Court enter the Voluntary Dismissal without prejudice.

Respectfully submitted,

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/s/ Diana M. Bardes

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*Counsel for Plaintiff*

Dated: March 14, 2024

**CERTIFICATE OF SERVICE**

The undersigned certifies that on this 14th day of March, 2024, the foregoing NOTICE OF VOLUNTARY DISMISSAL was filed via the Court's CM/ECF system and served on counsel for Defendant:

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*Counsel for Defendant*

/s/ Diana M. Bardes  
Diana M. Bardes